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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/589,242	05/30/2007	Frederick Herbert Spohr	1624-5/AMK	6931
38735 7590 01/14/2008 DIMOCK STRATTON LLP 20 QUEEN STREET WEST SUITE 3202, BOX 102 TORONTO, ON M5H 3R3 CANADA			EXAMINER HINZE, LEO T	
			ART UNIT 2854	PAPER NUMBER
			MAIL DATE 01/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/589,242

Applicant(s)

SPOHR, FREDERICK HERBERT

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2007 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. It is noted that this application appears to claim subject matter disclosed in prior Application No. PCT/CA05/00172, filed 11 February 2005. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application or in an application data sheet (37 CFR 1.76), if applicant intends to rely on the filing date of the prior application under 35 U.S.C. 119(e), 120, 121, or 365(c). See 37 CFR 1.78(a). For benefit claims under 35 U.S.C. 120, 121, or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of all nonprovisional applications. If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference to the prior application must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii)

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and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). A benefit claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed benefit claim under 35 U.S.C. 119(e), 120, 121 and 365(c). The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

If the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP § 201.11.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6-9, and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wales et al., US 4,921,132 A (hereafter Wales) in view of Burgard, US 2002/0023587 A1 (hereafter Burgard).

a. Regarding claim 1:

Wales teaches a system for determining a change in the weight of ink contained in an ink fountain in a printing press, said system comprising: a. a sensor operatively connected to the ink fountain ("a scale means is provided for measuring the weight of the ink storage tank with the ink stored therein", col. 3, ll. 12-14; Wales teaches that sensors may be installed on each ink fountain, "sensors be installed at each fountain," col. 2, ll. 55-56), wherein said sensor measures the weight of the ink and generates a signal corresponding to the measured weight ("providing a continuous signal representative of measured weight," col. 3, ll. 14-15); b. a processor (50, Fig. 1; Fig. 3) that is in communication with said sensor so as to receive and process the signal from said sensor and generate data about the weight of the ink contained in said ink fountain. Wales does teach a "remote indication" (col. 2, ll. 62-63) of the data, but is silent as to the exact apparatus used for remote indication.

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Wales does not teach c. a display in which the data is displayed to an operator of the printing press; whereby the displayed data provides the operator of the printing press with information relating to current ink usage at said ink fountain.

Burgard teaches a method of controlling the ink in an ink fountain (Fig. 1), including a display and touch screen (56, Fig. 5) for displaying and modifying parameters of the press (§ 0033).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Wales to a display in which the data is displayed to an operator of the printing press; whereby the displayed data provides the operator of the printing press with information relating to current ink usage at said ink fountain as taught by Burgard, because a person having ordinary skill would recognize that the display of Burgard would be a satisfactory apparatus on which to display the remote indication of the data of Wales.

b. Regarding claim 2, the combination of Wales and Burgard teaches the system of claim 1 as discussed in the rejection of claim 1 above. The combination of Wales and Burgard also teaches wherein said sensor communicates with said processor by means of a wireless or wired device or network (Wales: comm. lines 56, Fig. 1).

c. Regarding claim 6, the combination of Wales and Burgard teaches the system of claim 1 as discussed in the rejection of claim 1 above. The combination of Wales and Burgard also teaches wherein said printing press comprises two or more ink fountains (Wales: multiple fountains 20, Fig. 1), and the system comprises at least one sensor operatively connected to each ink fountain ("a scale means is provided for measuring

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the weight of the ink storage tank with the ink stored therein", col. 3, ll. 12-14; Wales teaches that sensors may be installed on each ink fountain, "sensors be installed at each fountain," col. 2, ll. 55-56).

d. Regarding claim 7, the combination of Wales and Burgard teaches the system of claim 6 as discussed in the rejection of claim 6 above. The combination of Wales and Burgard also teaches wherein each of the ink fountains contains ink of different colors (Wales: 12, Fig. 2, C, M, Y, K), and the data is displayed to the operator on a per color basis for each ink fountain (Wales: "measure, ... for each color used," col. 2, ll. 23-25).

e. Regarding claim 8:

Wales teaches a method for determining a change in the weight of ink contained in an ink fountain in a printing press, the method comprising the steps of: a. measuring the weight of the ink using a sensor operatively connected to the ink fountain ("a scale means is provided for measuring the weight of the ink storage tank with the ink stored therein", col. 3, ll. 12-14; Wales teaches that sensors may be installed on each ink fountain, "sensors be installed at each fountain," col. 2, ll. 55-56); b. generating a signal that corresponds to the measured weight ("providing a continuous signal representative of measured weight," col. 3, ll. 14-15); c. transmitting the signal to a processor (50, Fig. 1; Fig. 3) and processing the signal to generate data about the weight of the ink contained in said ink fountain. Wales does teach a "remote indication" (col. 2, ll. 62-63) of the data, but is silent as to the exact apparatus used for remote indication.

Wales does not teach d. displaying the data to an operator of the printing press; whereby the displayed data provides the operator of the printing press with information relating to current ink usage at said ink fountain.

Burgard teaches a method of controlling the ink in an ink fountain (Fig. 1), including a display and touch screen (56, Fig. 5) for displaying and modifying parameters of the press (§ 0033).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Wales to a display in which the data is displayed to an operator of the printing press; whereby the displayed data provides the operator of the printing press with information relating to current ink usage at said ink fountain as taught by Burgard, because a person having ordinary skill would recognize that the display of Burgard would be a satisfactory apparatus on which to display the remote indication of the data of Wales.

f. Regarding claim 9, the combination of Wales and Burgard teaches the method of claim 8 as discussed in the rejection of claim 8 above. The combination of Wales and Burgard also teaches wherein said sensor transmits the signal to the processor by means of a wireless or wired device or network (Wales: comm. lines 56, Fig. 1).

g. Regarding claim 13, the combination of Wales and Burgard teaches the method of claim 8 as discussed in the rejection of claim 8 above. The combination of Wales and Burgard also teaches wherein said printing press comprises two or more ink fountains (Wales: multiple fountains 20, Fig. 1), and the method comprises measuring the weight of the ink in each of the ink fountains using at least one sensor operatively

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connected to each ink fountain ("a scale means is provided for measuring the weight of the ink storage tank with the ink stored therein", col. 3, ll. 12-14; Wales teaches that sensors may be installed on each ink fountain, "sensors be installed at each fountain," col. 2, ll. 55-56).

h. Regarding claim 14, the combination of Wales and Burgard teaches the method of claim 13 as discussed in the rejection of claim 13 above. The combination of Wales and Burgard also teaches wherein each of the ink fountains contains ink of different colors (Wales: 12, Fig. 2, C, M, Y, K), and the displayed data is provided to the operator on a per color basis (Wales: "measure, ... for each color used," col. 2, ll. 23-25).

i. Regarding claim 15, the combination of Wales and Burgard teaches the system of claim 1 as discussed in the rejection of claim 1 above. The combination of Wales and Burgard also teaches wherein the display is an interactive display that allows the operator to make press-side adjustments to the system by using the interactive display, wherein the processor generates data about the press-side adjustments (Burgard: "user may select a desired function for the system, and the function is carried out by the electronic system," ¶ 0033).

j. Regarding claim 16, the combination of Wales and Burgard teaches the system of claim 15 as discussed in the rejection of claim 15 above. The combination of Wales and Burgard also teaches wherein the system comprises means for transmitting the press-side adjustments data to a third party (Burgard: a third party can stand beside an operator, and the system can visually transmit the data to the third party).

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5. Claims 3-5 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wales in view of Burgard as applied to claims 1 and 8, respectively, above, and further in view of Groce et al., US 3,605,682 A (hereafter Groce).

a. Regarding claim 3:

The combination of Wales and Burgard teaches the system of claim 1 as discussed in the rejection of claim 1 above. Wales is silent as to the exact details of the scale.

The combination of Wales and Burgard does not teach wherein said sensor is a load cell.

Groce teaches a coating computer that measures the weight of coating in a container (Fig. 4) using a load cell scale (col. 6, ll. 6-7).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Wales by substituting the load cell of Groce in place of the scale, because one having ordinary skill in the art would recognize that this would predictably allow one to determine the weight of the ink containers.

b. Regarding claim 4, the combination of Wales, Burgard, and Groce teaches the system of claim 3 as discussed in the rejection of claim 3 above. The combination of Wales, Burgard, and Groce also teaches wherein said processor is a computer (Wales: computer 50, Fig. 1).

c. Regarding claim 5, the combination of Wales, Burgard, and Groce teaches the system of claim 4 as discussed in the rejection of claim 4 above. The combination of

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Wales, Burgard, and Groce also teaches wherein said display is a touch screen console (Burgard: 56, Fig. 5).

d. Regarding claim 10:

The combination of Wales and Burgard teaches the method of claim 8 as discussed in the rejection of claim 8 above. Wales is silent as to the exact details of the scale.

The combination of Wales and Burgard does not teach wherein said sensor is a load cell.

Groce teaches a coating computer that measures the weight of coating in a container (Fig. 4) using a load cell scale (col. 6, ll. 6-7).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Wales by substituting the load cell of Groce in place of the scale, because one having ordinary skill in the art would recognize that this would predictably allow one to determine the weight of the ink containers.

e. Regarding claim 11, the combination of Wales, Burgard, and Groce teaches the method of claim 10 as discussed in the rejection of claim 10 above. The combination of Wales, Burgard, and Groce also teaches wherein said processor is a computer (Wales: computer 50, Fig. 1).

f. Regarding claim 12, the combination of Wales, Burgard, and Groce teaches the method of claim 11 as discussed in the rejection of claim 11 above. The combination of Wales, Burgard, and Groce also teaches wherein said display is a touch screen console (Burgard: 56, Fig. 5).

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is 571.272.2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LSZ

Leo T. Hinze
Patent Examiner
AU 2854
31 December 2007


JUDY NGUYEN
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